



(initials)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY. DOCKET: 59BAI002.C11

IN RE APPLICATION OF:

DAVID BAIN

SERIAL NUMBER:

09/757,424

FILED

1/11/2001

EXAMINER:

DIAZ, SUSANNA M.

GROUP ART:

3623

FOR:

SYSTEM FOR CLICK THROUGH CONTEST VOTING VIA
COMMISSIONS

AMENDMENT AND RESPONSE TRANSMITTAL

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are:

- An amendment and response letter to Examiner "Non-Compliance" Action
- No additional fee is required for this amendment
- A petition for a _____ month extension of time and
- One Page Proposed Drawing Corrections
- A check in the amount of \$_____ for _____
- Change of Address Form
- Authorization is granted to charge any additional or deficient fees under 37 CFR §1.16 or §1.17 to Deposit Account 50-0562.

TRIPPLICATE ORIGINALS OF THIS TRANSMITTAL SHEET ARE ENCLOSED

Dated: June 20, 2005

Respectfully submitted,

Robert N. Blackmon
Reg. No. 39,494
Attorney for the Applicant

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Alexandria, VA 22314
(703)-684-5633



DOCKET NO. 59BAI002.C11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : David Bain

SERIAL NO. : 09/757,424

ART UNIT: 3623

FILED : 1/11/2001

EXAMINER: Diaz, Susanna M.

FOR : System for Click Through Contest Voting via Commissions

RESPONSE TO NON-RESPONSIVE ELECTION

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Box NO FEE AMENDMENT
WASHINGTON, DC 20231

Sir:

Responsive to the Office Action of May 19, 2005:

Application History

The Examiner issued a "Notice of Non-Responsive Reply" to Applicant's election of species. Applicant elected species II and amended its claims to include new dependent claims, which Examiner objects to. Applicant respectfully submits that its election was fully responsive and proper for the following reasons:

The Examiner required a restriction between two species, namely Species I (claims 2-10 (credits in the form of commissions) and Species II (credits in the form of votes). No claims were found generic. Applicant elected Species II with one independent claim, namely claim 11, with claims 12-16 depending therefrom. Claim 11 as specified by the Examiner clearly reads only on Species II.